

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
 Washington, DC 20001-2866
 Phone: 202-216-7000 | Facsimile: 202-219-8530

AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 15-1010 & 15-1025 2. DATE DOCKETED: 02-12-2015
3. CASE NAME (lead parties only) Care One at Madison Avenue, Inc. v. National Labor Relations Board
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No
 If YES, cite statute _____
6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: National Labor Relations Board
 - b. Give agency docket or order number(s): 22-CA-085127 & 22-CA-089333
 - c. Give date(s) of order(s): December 16, 2014
 - d. Has a request for rehearing or reconsideration been filed at the agency? ☐ Yes ☒ No
 If so, when was it filed? _____ By whom? _____
 Has the agency acted? ☐ Yes ☐ No If so, when? _____
 - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
See addendum
 - f. Are any other cases involving the same underlying agency order pending in this Court or any other?
☐ Yes ☒ No If YES, identify case name(s), docket number(s), and court(s) _____
 - g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
☒ Yes ☐ No If YES, give case name(s) and number(s) of these cases and identify court/agency:
See addendum
 - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates. _____

Signature s/Paul D. Clement Date 02-12-2015

Name of Counsel for Appellant/Petitioner Paul D. Clement

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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

Addendum to Agency Docketing Statement

e. Identify the basis of appellant's/petitioner's claim of standing. *See* D.C. Cir. Rule 15(c)(2):

Petitioners are aggrieved by the order of the NLRB referenced above, and therefore have standing to appeal. See *Liquor Salesmen's Union v. NLRB*, 664 F.2d 1200, 1206 n.8 (D.C. Cir. 1981) (standing exists where there is an "adverse effect in fact" on petitioners); see also *Sierra Club v. EPA*, 292 F.3d 895, 900 (D.C. Cir. 2002) (standing exists where complainant is "an object of the action ... at issue").

g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?

Yes.

If YES, give case name(s) and number(s) of these cases and identify court/agency:

A related case, *800 River Road Operation Co. LLC v. National Labor Relations Board*, Nos. 14-1571 & 14-2036, has been briefed and argued in the Third Circuit. No decision has yet issued in that case.

CERTIFICATE OF SERVICE

I certify that on February 12, 2015, I electronically filed the foregoing Agency Docketing Statement with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the CM/ECF system. I further certify that the following participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system:

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s/Paul D. Clement

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